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**DIGEST OF OTHER RECENT VIRGINIA DECISIONS.****Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

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NORFOLK & W. RY. CO. v. OBENSHAIN, et al.

Nov. 21, 1907.

[59 S. E. 604.]

**1. Dismissal—Waters and Water Courses—Obstruction—Bill to Restore Rights—Parties.**—A bill against a company and an individual defendant to restore an obstructed water right was properly dismissed as to the latter, where the only reference to him was that he had pretended to convey the right to the company though not owning it, and no relief was asked against him, and where the company's answer was not filed as a cross-bill, and he was not made a party to it.

**2. Waters and Water Courses—Conveyance—Sufficiency of Description.**—Under Code 1904, § 2443, providing that every deed shall, unless an exception be made therein, be construed to include all appurtenances belonging to the land, a conveyance of all the grantor's right, title, and claim of whatever kind in land, included a water right reserved as an easement appurtenant to the land in a conveyance of a railway right of way by his remote grantor.

**3. Same—Abandonment.**—That a water right reserved in the conveyance of a railway right of way has not been used for several years does not show that it has been extinguished or abandoned.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 48, Waters and Water Courses, § 183.]

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MIDGETS v. COMMONWEALTH.

Nov. 13, 1907.

[59 S. E. 606.]

**Criminal Law—Writ of Error—Bill of Exceptions.**—Where the bills of exceptions in a criminal case were not signed by the trial judge at the term at which the rulings excepted to were made, or in vacation within 30 days after the end of the term, or at a time at which the parties by consent entered of record at the term had agreed on, a writ of error will be dismissed.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 15, Criminal Law, § 2847.]